## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

JEFFREY A. PRICE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:07-cv-276
	)	Edgar
MICHAEL J. ASTRUE,	)	G
Commissioner of Social Security,	)	
	)	
Defendant.	)	

## MEMORANDUM AND ORDER

Plaintiff Jeffrey A. Price brings this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking judicial review of the final administrative decision of the Commissioner of Social Security denying him a period of disability, disability insurance benefits, and supplemental security income (SSI) under Title II and Title XVI of the Social Security Act, 42 U.S.C. §§ 416(i), 423, and 1382.

This case was referred to United States Magistrate Judge William B. Mitchell Carter pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) for a report and recommendation. Magistrate Judge Carter filed a report and recommendation on December 5, 2008. [Doc. No. 22]. It is recommended that the defendant's motion for summary judgment [Doc. No. 20] be granted, the plaintiff's motion for summary judgment [Doc. No. 15] be denied, and the Commissioner's administrative decision be affirmed.

The parties have not timely filed any objections. After reviewing the record, the Court

ACCEPTS and ADOPTS the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Accordingly, the defendant's motion for summary judgment [Doc. No. 20] is **GRANTED** pursuant to Fed. R. Civ. P. 56. The plaintiff's motion for summary judgment [Doc. No. 15] is **DENIED**. The administrative decision of the Commissioner of Social Security is **AFFIRMED**. The plaintiff's complaint will be **DISMISSED WITH PREJUDICE** with each party to bear their own costs of this action.

The Clerk of Court is **DIRECTED** to enter a final judgment in accordance with this memorandum and order. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER this the 8<sup>th</sup> day of January, 2009.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE